

MEETINGS TO DATE 28  
NO. OF REGULARS 23  
NO. OF SPECIALS 5

LANCASTER, NEW YORK  
DECEMBER 7, 1987

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 7th day of December 1987, at 8:00 P.M. and there were

PRESENT: RONALD A. CZAPLA, COUNCILMAN  
ROBERT H. GIZA, COUNCILMAN  
DONALD E. KWAK, COUNCILMAN  
JOHN T. MILLER, COUNCILMAN  
STANLEY JAY KEYSA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: NANCY M. BINDHAMMER, DEPUTYTOWN CLERK  
RICHARD J. SHERWOOD, TOWN ATTORNEY  
ROBERT LABENSKI, TOWN ENGINEER  
NICHOLAS LO CICERO, DEPUTY TOWN ATTORNEY  
ROBERT L. LANEY, BUILDING INSPECTOR  
THOMAS E. FOWLER, POLICE CHIEF

PUBLIC HEARING SCHEDULED FOR 8:15 P.M.:

At 8:15 P.M., the Town Board held a Public Hearing to hear all Interested persons upon an amendment to the Vehicle and Traffic Ordinance of the Town of Lancaster, designated Chapter 46 of the Code of said Town, entitled "Stop and Yield Intersections" regarding Heritage Drive and Greenbriar Drive.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPOSERS

None

OPPOSERS

None

COMMENTS

None

QUESTIONS

None

ON MOTION BY COUNCILMAN MILLER, AND SECONDED BY COUNCILMAN GIZA AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:17 P.M.

The Town Board, later in the meeting, adopted a resolution hereinafter spread at length in these minutes, approving this ordinance amendment.

PUBLIC HEARING SCHEDULED FOR 8:25 P.M.:

At 8:27 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Zoning Ordinance of the Town of Lancaster, designated Chapter 50 of the Code of said Town, entitled "Accessory Uses and Structures".

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

<u>PROPOSERS</u>	<u>ADDRESS</u>
Don Symer	610 Columbia Avenue
<u>OPPOSERS</u>	<u>ADDRESS</u>
Wayne Sanders	438 Pleasant View Drive
<u>COMMENTS</u>	<u>ADDRESS</u>
Mike Passucci	199 Cemetery Road

ON MOTION BY COUNCILMAN KWAK, AND SECONDED BY COUNCILMAN MILLER AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:40 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN KWAK , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
MILLER , TO WIT:

RESOLVED, that the minutes from the Regular Meeting of the Town  
Board, held on November 16, 1987, as presented by the Town Clerk, be and  
hereby are approved.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES  
COUNCILMAN GIZA VOTED YES  
COUNCILMAN KWAK VOTED YES  
COUNCILMAN MILLER VOTED YES  
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

December 7, 1987

File: R-MIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN CZAPLA , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
MILLER , TO WIT:

WHEREAS, it is the desire of the Town of Lancaster to renew the Agreement heretofore entered into by the Town of Lancaster and the Depew-Lancaster Boys' and Girls' Club, Inc., for operation of a Junior Citizens Club at the Lancaster Branch of the said Boys' and Girls' Club, which expires according to its terms, on December 31, 1987, and

WHEREAS, said Depew-Lancaster Boys' and Girls' Club, Inc., has submitted and filed its 1988 Budget for the operation of said Junior Citizens Club,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized and directed to execute said Agreements on behalf of the Town of Lancaster, which have been drawn and approved by the Town Attorney.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA ABSTAINED\*

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

December 7, 1987

Councilman Giza abstained due to his employment position as Executive Director, Northern Region, of the Boys' and Girls' Club, Inc. of Erie County.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN GIZA, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
KWAK, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster, by resolution dated April 7, 1986, entered into a lease with the Lancaster, New York Historical Society for the leasing of the Fanny Potter Eaton Home on Clark Street, in the Village of Lancaster, for use by the Lancaster, New York Historical Society as a Town Historical Museum, and

WHEREAS, said lease set forth terms for the payment of rent in the amount of \$1,200.00 a year, commencing January 1, 1987, and

WHEREAS, the Lancaster, New York Historical Society has expended well in excess of \$17,000.00 for building improvements to this Town-owned facility and has requested a temporary moratorium on the annual payment of their rent,

NOW, THEREFORE, BE IT

RESOLVED, as follows:

Section 1 - That the Town Board of the Town of Lancaster recognizes that substantial time, effort, and funds have been expended by the members of the Lancaster, New York Historical Society in restoring and preparing the Fanny Potter Eaton Home on Clark Street as a Lancaster Historical Museum.

Section 2 - That the Town Board of the Town of Lancaster recognizes that said restoration and preparation of the Museum has imposed a heavy financial burden upon the Lancaster, New York Historical Society.

Section 3 - That the Town Board of the Town of Lancaster, in recognition of the efforts of the Lancaster, New York Historical Society in the restoration of this home, hereby waives the annual rent due the Town of Lancaster from the Lancaster, New York Historical Society for rental of this property for the years 1987 and 1988.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES  
COUNCILMAN GIZA VOTED YES  
COUNCILMAN KWAK VOTED YES  
COUNCILMAN MILLER VOTED YES  
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

December 7, 1987

File: R-BLANK-FRM

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN MILLER , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
KWAK , TO WIT:

WHEREAS, the Town of Lancaster deems it in the public to purchase certain real property in the Town of Lancaster adjacent to a paper street known as Transit Boulevard, and further identified as SBL 115.14-5-7, for use as a detention basin to relieve flooding occasioned by a town drainage ditch which affects residential development in the Village of Lancaster, and

WHEREAS, the County of Erie presently owns the aforementioned parcel and by legislative act has authorized the sale of this parcel to the Town of Lancaster for the sum of \$1,600.00, which represents the appraisal value of said parcel, and

WHEREAS, Town Law, §64(2) authorizes a town to acquire real property for a public purpose,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Lancaster is hereby authorized to transfer to the Erie County Commissioner of Finance the sum of \$1,600.00 for the purchase certain real property in the Town of Lancaster adjacent to a paper street known as Transit Boulevard and further identified as SBL 115.14-5-7 for use as a detention basin to relieve flooding.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA	VOTED	YES
COUNCILMAN GIZA	VOTED	YES
COUNCILMAN KWAK	VOTED	YES
COUNCILMAN MILLER	VOTED	YES
SUPERVISOR KEYSA	VOTED	YES

The resolution was thereupon unanimously adopted.

December 7, 1987

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN CZAPLA , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
GIZA TO WIT:

WHEREAS, the Twin District Volunteer Fire Company, Inc., by letter dated November 14, 1987, has requested the confirmation of two new members duly elected to the membership of the Twin District Volunteer Fire Company, Inc.,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the additions to the membership of the Twin District Volunteer Fire Company, Inc. of the following individuals:

ADDITION

Carl Kirchgessner  
4845 Transit Road,  
Depew, New York 14043

OUT OF DISTRICT ADDITION

Michael Satko  
1133 Losson Road  
Cheektowaga, New York 14227

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES  
COUNCILMAN GIZA VOTED YES  
COUNCILMAN KWAK VOTED YES  
COUNCILMAN MILLER VOTED YES  
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

December 7, 1987

FILE: R-FIRE (P3)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN GIZA , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
KWAK , TO WIT:

WHEREAS, the Town Engineer, by letter dated November 25, 1987, has recommended to the Town Board of the Town of Lancaster the approval of Change Order No. 1 in the amount of \$5,025.00 to furnish the required fire protection for the Enterprise Drive Water Line,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change Order No. 1 for the Enterprise Drive Water Line, with Kissell Excavating Inc., 1026 Relleln Road, Cowlesville, New York 14037, in the amount of \$5,025.00, and

BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the following change order:

Change Order No. 1 - Enterprise Drive Water Line -  
Kissell Excavating Inc.:

1. Installation of a 6" tee and valve with associated 6" PVC piping to property line for sprinkler system

Add 5,025.00

Net Total Add	5,025.00
Contract Amount	<u>44,910.00</u>
Adjusted Contract Amount	49,935.00

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES  
COUNCILMAN GIZA VOTED YES  
COUNCILMAN KWAK VOTED YES  
COUNCILMAN MILLER VOTED YES  
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

December 7, 1987

File: R-CHNG-ORD (P2)



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN KWAK , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
MILLER , TO WIT:

WHEREAS, FISCHIONE CONSTRUCTION CO., INC., 62 Constitution Avenue  
West Seneca, New York, 14224, has petitioned the Town Board of the Town of  
Lancaster for the rezone of certain property situate on the north side of  
William Street, east of Aurora, in the Town of Lancaster, from an R1-Single  
Family Residence District, to an R2-General Residence District, and

WHEREAS, this Petition has been referred to the Planning Board of  
the Town of Lancaster for its recommendation and report;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Sections 130 and 265 of the Town Law of  
the State of New York, a Public Hearing on the proposed rezone will be held at  
the Town Hall, 21 Central Avenue, Lancaster, New York, on the 21st day of  
December, 1987, at 8:10 oclock P.M., Local Time, and that Notice of the time  
and place of such hearing be published in the Lancaster Bee, a newspaper of  
general circulation in said Town and be posted on the Town Bulletin Board, and a  
copy of such Notice of Hearing be referred to the Erie County Department of  
Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice  
shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES  
COUNCILMAN GIZA VOTED YES  
COUNCILMAN KWAK VOTED YES  
COUNCILMAN MILLER VOTED YES  
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

December 7, 1987

LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 7th day of December, 1987, the said Town Board will hold a Public Hearing on the 21st day of December, 1987, at 8:10 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property from an R1-Single Family Residence District to an R2-General Residence District:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie, State of New York, being part of Lot 84, Township 11, Range 6 of the Buffalo Creek Reservation, as follows:

THE AREA consists of 1.634+ acres beginning at the Aurora Street right-of-way approximately 474.0' North of the William Street right-of-way. Then east 250.0', then South 237.0', then East 185.0', then North 237.0', then East 21.0', then North 60.0', then west 456.0' to the Aurora Street right-of-way, then South 60.0' along that line to the beginning point.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE  
TOWN OF LANCASTER

BY: ROBERT P. THILL  
TOWN CLERK

12/7/87

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN MILLER , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
GIZA , TO WIT:

WHEREAS, a bond resolution was adopted on September 8, 1987 for reconstruction of the Police/Court Building, and

WHEREAS, the resolution specified current funds in the amount of \$8,500.00 to be used as downpayment on the project, and

WHEREAS, the 1987 adopted Budget did not previously have an appropriation for this purpose,

NOW, THEREFORE, BE IT

RESOLVED, tht the Townwide General Fund Budget be and hereby is amended as follows:

	<u>ACCT. NO.</u>	<u>INCREASE</u>
Appropriated Fund Balance	A 599	8,500.00
Appropriations	A 960	8,500.00
Transfer to Capital Projects Fund	A 9950.0901	8,500.00

and,

BE IT FURTHER

RESOLVED, that the Supervisor requested the following additional amendments to the Townwide General Fund Budget:

	<u>ACCT. NO.</u>	<u>INCREASE</u>
Appropriated Fund Balance	A 599	10,100.00
Appropriations	A 960	10,100.00
Central Data Processing -		
Repairs and Maintenance	A 1680.426	1,200.00
Unallocated Insurance	A 1910.411	1,500.00
Purchase of Land	A 1940.411	1,600.00
Bond and Note Issue Expense	A 1960.411	3,800.00
Employee Benefits - Workers'		
Compensation Insurance	A 9040.411	1,000.00
Mental Health - Contract. Exp.	A 4230.411	1,000.00

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES  
COUNCILMAN GIZA VOTED YES  
COUNCILMAN KWAK VOTED YES  
COUNCILMAN MILLER VOTED YES  
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

December 7, 1987

File: R-ACCT-TRNS

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN CZAPLA , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
GIZA , TO WIT:

WHEREAS, the Chief of Police of the Town of Lancaster, by amended memorandum dated December 2, 1987, has recommended to the Town Board the appointment of SHARON A. COHAN to the fill the vacant position of Police Clerk within the Police Department of the Town of Lancaster, and

WHEREAS, the Police Commissioners of the Town of Lancaster, by letter dated November 20, 1987, have recommended to the Town Board the appointment of SHARON A. COHAN to fill the vacant position of Police Clerk within the Police Department of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that SHARON A. COHAN, 2001 Como Park Boulevard, Lancaster, New York, be and is hereby appointed to the position of Police Clerk, permanent probationary, in the service of the Police Department, effective January 4, 1988, and

BE IT FURTHER

RESOLVED, that the starting salary of Sharon A. Cohan shall be 75% of the salary as shown for the position of Police Dispatcher in the 1987 Schedule of Salaries as adopted by the Town Board, and

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

December 7, 1987

File: R-APPT (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN GIZA , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
KWAK , TO WIT:

BOND RESOLUTION OF THE TOWN OF LANCASTER, NEW  
YORK, ADOPTED DECEMBER 7, 1987, AUTHORIZING  
THE RECONSTRUCTION OF THE TOWN POOL AT  
LANCASTER TOWN PARK, STATING THE ESTIMATED  
MAXIMUM COST THEREOF IS \$180,000,  
APPROPRIATING SAID AMOUNT THEREFOR, AND  
AUTHORIZING THE ISSUANCE OF \$180,000 SERIAL  
BONDS OF SAID TOWN TO FINANCE SAID  
APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF LANCASTER, IN THE COUNTY  
OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not  
less than two-thirds of all the members of said Town Board) AS  
FOLLOWS:

Section 1. The Town of Lancaster, in the County of  
Erie, New York (herein called "Town"), is hereby authorized to  
reconstruct and renovate the Town Pool at Lancaster Town Park,  
including reconstruction and renovation of the filtration and  
aeration systems, reconstruction of the deck areas and  
reconstruction and replacement of the piping systems. The  
estimated maximum cost of said specific object or purpose,  
including preliminary costs and costs incidental thereto and the  
financing thereof, is \$180,000 and said amount is hereby  
appropriated therefor. The plan of financing includes the  
issuance of \$180,000 serial bonds of the Town to finance said  
appropriation, and the levy and collection of taxes on all the  
able real property in the Town to pay the principal of said

bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$180,000, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said specific object or purpose for which said \$180,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 61 of the Law, is fifteen (15) years; however, the proposed maturity of the of the \$180,000 serial bonds authorized pursuant to this resolution or any notes issued in anticipation thereof shall not exceed five (5) years from the original date of issuance of such obligations.

(b) Current funds are not required by the Law to be provided as a down payment prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof in accordance with Section 107.00 4 of the Law.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation the sale of said bonds shall contain the recital of validity

as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in full, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in the "LANCASTER BEE," a newspaper published in Williamsville, New York, having a general circulation in the Town and hereby designated the official newspaper of said Town for such publication.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES  
COUNCILMAN GIZA VOTED YES  
COUNCILMAN KWAK VOTED YES  
COUNCILMAN MILLER VOTED YES  
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN KWAK , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
MILLER , TO WIT:

WHEREAS, it is the desire of the Town of Lancaster to renew the Agreement heretofore entered into by the Town of Lancaster and the Depew-Lancaster Boys' and Girls' Club, Inc., for the operation of a Junior Citizens Club at the Depew Branch of said Boys' and Girls' Club, which expires, according to its terms, on December 31, 1987, and

WHEREAS, said Depew-Lancaster Boys' and Girls' Club, Inc., has submitted and filed its 1987 Budget for the operation of said Junior Citizens Club;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized and directed to execute said Agreements on behalf of the Town of Lancaster, which have been drawn by the Town Attorney.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES  
COUNCILMAN GIZA ABSTAINED\*  
COUNCILMAN KWAK VOTED YES  
COUNCILMAN MILLER VOTED YES  
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

December 7, 1987

Councilman Giza abstained due to his employment position as Executive Director, Northern Region, of the Boys' and Girls' Club, Inc. of Erie County.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN GIZA , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
MILLER , TO WIT:

WHEREAS, SOUTHEAST COMMUNITY WORK CENTER, INC., offers a program for retarded adults in the communities of Lancaster, Alden, Marilla, Elma, East Aurora, Aurora and Wales, and

WHEREAS, this program consists of development, pre-vocational and work activities training program for those individuals in the range of mild to severe retardation, and

WHEREAS, the Center is presently located at 181 Lincoln Street, Depew, New York, and its services in the area of evaluation, tutoring, development of self-help skills, personal adjustment training, recreation and counseling would be of substantial benefit to residents of the Town of Lancaster, and

WHEREAS, SOUTHEAST COMMUNITY WORK CENTER, INC., by letter dated December 2, 1987, has offered to contract with the Town of Lancaster for the aforementioned services during the year 1988 for the total sum of \$2,000.00,

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Town Board of the Town of Lancaster hereby authorizes the Supervisor to execute an Agreement with SOUTHEAST COMMUNITY WORK CENTER, INC., for a program for retarded adults residing in the Town of Lancaster for developmental, pre-vocational and work activities training program for those individuals in the range of mild to severe retardation, and evaluation, tutoring and development of self-help skills, personal adjustment training, recreation and counseling;

2. That the sum of \$2,000.00 be paid in four equal quarterly payments: January 1st, April 1st, July 1st and October 1st, 1988

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES  
COUNCILMAN GIZA VOTED YES  
COUNCILMAN KWAK VOTED YES  
COUNCILMAN MILLER VOTED YES  
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

December 7, 1987

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN CZAPLA , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
KWAK , TO WIT:

WHEREAS, a Public Hearing was held on the 7th day of December, 1987  
for the purpose of amendment of Chapter 46, Vehicle and Traffic Ordinance of  
the Code of the Town of Lancaster, and persons for and against such amendment  
have had an opportunity to be heard, and

WHEREAS, Notice of said Public Hearing was duly published and posted,

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That Chapter 46, Vehicle and Traffic Ordinance of the Town of  
Lancaster, be amended in the form attached hereto and made a part hereof;
2. That said amendment be added in the minutes of the meeting of the  
Town Board of the Town of Lancaster, held on the 7th day of December, 1987,
3. That a certified copy thereof be published in the Lancaster Bee  
on December 10, 1987;
4. That a certified copy of these amendments be posted on the Town  
Bulletin Board;
5. That Affidavits of Publication and Posting be filed with the Town  
Clerk; and
6. That the Highway Superintendent take whatever action is necessary  
to install signs in accordance with the Law.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES  
COUNCILMAN GIZA VOTED YES  
COUNCILMAN KWAK VOTED YES  
COUNCILMAN MILLER VOTED YES  
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

December 7, 1987

LEGAL NOTICE  
 NOTICE OF ADOPTION OF AMENDMENT  
 TO  
 VEHICLE AND TRAFFIC ORDINANCE  
 OF THE  
 TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK  
 DESIGNATED CHAPTER 46 OF CODE OF THE TOWN OF LANCASTER

The Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of the Town of Lancaster is hereby amended as follows:

ARTICLE VIII - Stop and Yield Intersections:-

§46-8., Stop Intersections designated, is hereby amended by adding thereto:

<u>STREET</u>	<u>DIRECTION</u>	<u>ENTRANCE STREET</u>	<u>TRAFFIC STOPS</u>	<u>SIGN LOCATION</u>
Heritage Dr.	North/south	Greenbriar Dr.	Westbound	N.E. Corner
Greenbriar Dr.	East/west	Heritage Dr.	Northbound	S.E. Corner
Greenbriar Dr.	East/west	Heritage Dr.	Southbound	N.W. Corner

STATE OF NEW YORK:  
 COUNTY OF ERIE : ss:  
 TOWN OF LANCASTER:

This is to certify that I, ROBERT P. THILL, Town Clerk and Registrar of Vital Statistics of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of an Ordinance Amendment with the original thereof filed in my office at Lancaster, New York, on the 7th day of December, 1987, and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 7th day of December, 1987

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Town Clerk and Registrar of Vital Statistics

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN GIZA , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
CZAPLA , TO WIT:

BOND RESOLUTION OF THE TOWN OF LANCASTER, NEW  
YORK, ADOPTED DECEMBER 7, 1987, AUTHORIZING  
THE RECONSTRUCTION AND REPLACEMENT OF THE FUEL  
STORAGE FACILITY AT 525 PAVEMENT ROAD IN SAID  
TOWN, STATING THE ESTIMATED MAXIMUM COST  
THEREOF IS \$125,000, APPROPRIATING SAID AMOUNT  
THEREFOR, AND AUTHORIZING THE ISSUANCE OF  
\$125,000 SERIAL BONDS OF SAID TOWN TO FINANCE  
SAID APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF LANCASTER, IN THE COUNTY  
OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not  
less than two-thirds of all the members of said Town Board) AS  
FOLLOWS:

Section 1. The Town of Lancaster, in the County of  
Erie, New York (herein called "Town"), is hereby authorized to  
reconstruct and replace the fuel storage facility located at 525  
Pavement Road in said Town, including installation of new diesel  
fuel and gasoline tanks with leak detection systems, fire  
suppression systems, pump systems and other related furnishings  
and apparatus. The estimated maximum cost of said specific  
object or purpose, including preliminary costs and costs  
incidental thereto and the financing thereof, is \$125,000 and  
said amount is hereby appropriated therefor. The plan of  
financing includes the issuance of \$125,000 serial bonds of the  
town to finance said appropriation, and the levy and collection  
of taxes on all the taxable real property in the Town to pay the

principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$125,000, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said specific object or purpose for which said \$125,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 35 of the Law, is five (5) years.

(b) Current funds are not required by the Law to be provided as a down payment prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof in accordance with Section 107.00 d. 5 of the Law.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within

the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,



and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in full, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in the "LANCASTER BEE," a newspaper published in Williamsville, New York, having a general circulation in the Town and hereby designated the official newspaper of said Town for such publication.

\* \* \*

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA	VOTED YES
COUNCILMAN GIZA	VOTED YES
COUNCILMAN KWAK	VOTED YES
COUNCILMAN MILLER	VOTED YES
SUPERVISOR KEYSA	VOTED YES

The resolution was thereupon unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN KWAK , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
GIZA , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has authorized a  
bond resolution for the rehabilitation of the swimming pools at Keysa Town  
Park, and

WHEREAS, DONALD GALLO, Consulting Engineer, has submitted a contract  
proposal for engineering for the project in the sum of \$17,050.00, by letter  
dated December 4, 1987, and

WHEREAS, after review of the proposed engineering agreement the Town  
Board deems it in the public interest to contract with DONALD GALLO for the  
rehabilitation of the pools at the Keysa Town Park, for engineering services,  
including plans and specifications regarding the aforesaid project,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby  
authorizes the Supervisor of the Town of Lancaster to enter into a contract  
with DONALD GALLO, Consulting Engineer, for engineering services relative to  
the rehabilitation of the swimming pools at Keysa Town Park.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

December 7, 1987

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN GIZA , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
KWAK , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has authorized a  
bond resolution for removal and replacement of a fuel storage facility at the  
Town Center, 525 Pavement Road, Lancaster, New York, and

WHEREAS, by letter dated December 7, 1987, Krehbiel Associates, Inc.  
has submitted a contract proposal for engineering for the project, not to  
exceed the sum of \$6,500.00, and

WHEREAS, after review of the proposed engineering agreement, the Town  
Board deems it in the public interest to contract with Krehbiel Associates,  
Inc., for the removal and replacement of a fuel storage facility at the  
Town Center, for engineering services, including preparation of plans and  
specifications for the aforesaid project,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby  
authorizes the Supervisor of the Town of Lancaster to enter into a contract  
with Krehbiel Associates, Inc., for engineering services, including the  
preparation of plans and specifications, relative to the removal and replace-  
ment of a fuel storage facility at the Town Center, 525 Pavement Road,  
Lancaster, New York.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES  
COUNCILMAN GIZA VOTED YES  
COUNCILMAN KWAK VOTED YES  
COUNCILMAN MILLER VOTED YES  
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

December 7, 1987

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN CZAPLA , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
GIZA , TO WIT:

WHEREAS, Public Officers Law §18 of the State of New York provides  
for defense and indemnification of officers and employees of a public entity,  
and

WHEREAS, after thorough review and consideration the Town Board of  
the Town of Lancaster deems it in the public interest to provide for a measure of  
defense and indemnification of officers and employees of the Town of Lancaster  
as provided under the aforementioned Public Officers Law §18, and

WHEREAS, the aforementioned Public Officers Law does not provide  
for indemnification for injury or damage resulting from intentional wrongdoing  
or recklessness on the part of the employee, and

WHEREAS, Public Officers Law §18, states certain conditions upon which  
the duty to defend or indemnification by a municipality becomes operative;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby adopts  
the provisions of Public Officers Law §18, "Defense and indemnification of  
officers and employees of public entities", and the Town of Lancaster will  
thereby confer the benefits of this section upon its officers and employees  
and be held liable for the costs incurred under these provisions.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA	VOTED	YES
COUNCILMAN GIZA	VOTED	YES
COUNCILMAN KWAK	VOTED	YES
COUNCILMAN MILLER	VOTED	YES
SUPERVISOR KEYSA	VOTED	YES

The resolution was thereupon unanimously adopted.

December 7, 1987

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN KWAK , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
GIZA , TO WIT:

RESOLVED, that the following Audited Claims be and are hereby  
ordered paid from their respective accounts:

Claim No. 4655 to Claim No. 4939 Inclusive.

Total amount hereby authorized to be paid:

\$407,602.95

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES  
COUNCILMAN GIZA VOTED YES  
COUNCILMAN KWAK VOTED YES  
COUNCILMAN MILLER VOTED YES  
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

December 7, 1987

File: R-CLAIMS

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN KWAK , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
MILLER, TO WIT:

RESOLVED, that the following Building Permit Applications be and  
are hereby approved and the issuance of Building Permits be and are hereby  
authorized:

<u>NO.</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>STRUCTURE</u>
462	Al-E-Oops	5389 Genesee St.	REMOD. REST.
463	Centennial Homes	11 Robins Nest Ct.	ER. SIN. DWLG, GARAGE
465	John Lyon	554 Hall Rd.	ER. STORAGE BLDG.
466	L.A.S. Homes	4796 William St.	ER. SIN. DWLG, GARAGE
467	James Walsh	117 Peppermint Rd.	ER. STORAGE BLDG.
468	NDC Homes	3 Robins Nest Ct.	ER. SIN. DWLG
469	Gerald Litwiller	6525 Broadway	REMODEL MULTI-DBL. DWLG
470	K & D Builders	288 Ransom Rd.	ER. SIN. DWLG, GARAGE
471	Marrano Develop.	26, 28, 30, 32, 34, 36 Eastwood Pkwy.	ER. TOWNHOUSES
472	Hebler Homes	25 Plumb Creek Trail	ER. SIN. DWLG, GARAGE
473 and,	Fred Donato	1123 Penora St.	ER. SIN. DWLG, GARAGE

BE IT FURTHER

RESOLVED, that Building Permit Application Nos. 466 and 470, be and  
are hereby approved with a waiver of the Town Ordinance requirement for  
sidewalks, and

BE IT FURTHER

RESOLVED, that Building Permit Application No. 464, of  
Donato Development, Inc., for premises located at 222 Warner Road, to erect a  
single dwelling and garage, is hereby **not approved** and the Town Building  
Inspector shall issue a stop work order forthwith, and

BE IT FURTHER

RESOLVED, that Building Permit Application No. 466, issued to  
L.A.S. Homes, for premises located at 4796 William Street, to erect a single  
dwelling and garage, is **granted with the condition** that the Town Board  
reserves the right to require the owner of said property to install sidewalks  
to Town specifications at a future date.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES  
COUNCILMAN GIZA VOTED YES  
COUNCILMAN KWAK VOTED YES  
COUNCILMAN MILLER VOTED YES  
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

December 7, 1987

File: R-BLDG

Supervisor Keysa requested a suspension of the necessary rule for immediate consideration of the following resolution:

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR KEYSA , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
GIZA , TO WIT:

WHEREAS, the Town of Lancaster has received contract documents from the New York State Office of Parks, Recreation and Historic Preservation, said contract titled, "The National Heritage Trust Contract", which provides for the grant of monies from the National Heritage Trust for certain renovation work in the Opera House in the Town Hall at 21 Central Avenue, Lancaster, New York, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to execute this contract with the National Heritage Trust;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to execute a contract with the National Heritage Trust, through the New York State Office of Parks, Recreation and Historical Preservation, for the purpose of obtaining funds under a grant for renovation work in the Opera House in the Town Hall at 21 Central Avenue, Lancaster, New York.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES  
COUNCILMAN GIZA VOTED YES  
COUNCILMAN KWAK VOTED YES  
COUNCILMAN MILLER VOTED YES  
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

December 7, 1987



Councilman Giza requested a suspension of the necessary rule for immediate consideration of the following resolution:

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN GIZA , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
CZAPLA , TO WIT:

WHEREAS, the Town of Lancaster must test certain underground fuel storage tanks situate at the Town Center at 525 Pavement Road on or before December 27, 1987, under regulations promulgated by the Department of Environmental Conservation of the State of New York, and

WHEREAS, the testing of these underground fuel tanks may result in a determination that said tanks are leaking, which would then require that the Town immediately remove said tanks and replace same, and

WHEREAS, the Town Board of the Town of Lancaster desires to provide for a contingency plan should it become necessary to remove and replace these underground fuel storage tanks after testing same, and

WHEREAS, the Town Board further desires to advertise for public bid pursuant to the requirements of Section 103 of the General Municipal Law for the removal of these tanks, contingent upon the results of the testing of same;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster will advertise for public bid for the removal of certain underground fuel tanks located at the Town Center, 525 Pavement Road, contingent upon the results of testing of these tanks for leakage and that said public bid shall be on a per tank basis, and that the said bids must be received in the office of the Town Clerk of the Town of Lancaster, at the Town Hall, 21 Central Avenue, Lancaster, New York, by 3:30 o'clock P.M., Local Time, on December 21, 1987, in accordance with plans and specifications on file in the office of the Town Clerk, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

December 7, 1987

LEGAL NOTICE  
TOWN OF LANCASTER  
NOTICE TO CONTRACTORS

NOTICE IS HEREBY GIVEN that pursuant to a resolution of the Town Board of the Town of Lancaster, Erie County, New York, sealed proposals will be received, publicly opened, read aloud, and considered by the Town Board on the 21st day of December, 1987 at 3:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York 14086 for furnishing all materials, labor and equipment incidental to the removal of Fuel Storage Tanks located at the Lancaster Town Center, 525 Pavement Road, Lancaster, New York.

Proposals will be received in accordance with Contract Documents and Specifications prepared by Krehbiel Associates, Inc., for the Town of Lancaster, a copy of which is on file with the Town Clerk at his office in the Town Hall, Lancaster, New York, where the same may be examined during the usual business hours.

Copies of the Contract Documents required for review or bidding purposes may be obtained at the offices of Krehbiel Associates, Inc., 1868 Niagara Falls Boulevard, Tonawanda, New York, upon deposit of \$25.00 for each set of documents so obtained. The full amount of the deposit for one set of documents and one-half of the deposit for any additional sets of documents will be refunded to each bidder who submits a formal proposal to the Town, and who also returns the documents in good condition to the Engineer within thirty (30) days after his bid security has been returned to him. Equipment manufacturers, contractors, sub-contractors and others who do not submit formal proposals to the Town will be refunded one-half of the amount of the deposit for all sets of complete documents returned in good condition to the Engineer within thirty (30) days after the opening of bids. No refund will be made for documents received after this thirty (30) day period.

Each proposal must be accompanied by a certified check, payable to the Town of Lancaster, or bid bond, having a surety amount not less than ten percentum (10%) of the amount of the base bid, conditioned that, if his proposal is accepted, he will enter further security as may be required for the faithful performance of the contract.

All bids shall be submitted, in sealed envelopes addressed to the Town of Lancaster, and shall be plainly marked on the outside with the Contractor's name and title of his bid.

Attention of the bidders is particularly called to the fact that this bid shall be on a per tank basis and shall be contingent upon the determination of the Town of Lancaster that the tanks must be removed and replaced after testing of same.

The attention of the bidders is further called to the requirements as to conditions of employment to be observed and minimum wage rates to be paid under the Contract.

The Owner reserves the right to reject any or all bids for failure to comply with the requirements of the Contract Documents but may, at its discretion, waive any informalities or irregularities.

The Owner further reserves the right to reject any or all bids or to award a contract, which in its judgment, is in the best interest of the Owner.

No Bidder may withdraw his bid within forty-five (45) days after opening thereof, but may withdraw same at any time prior to the opening thereof.

TOWN BOARD OF THE  
TOWN OF LANCASTER

BY: ROBERT P. THILL  
Town Clerk

December 7, 1987

**STATUS REPORT ON UNFINISHED BUSINESS:**

1. Public Improvement Permit Authorization - Country View East Subdivision, Phase I (Marrano/Marc Equity).  
The retention pond has not yet been accepted but completion is secured by a Letter of Credit expiring on November 1, 1987.
2. Public Improvement Permit Authorization - Country View East Subdivision, Phase II and Phase III (Marrano/Marc Equity).  
This item remains under unfinished business until a retention basin is constructed on the Lancaster Sr. High School property.
3. Public Improvement Permit Authorization - Country View East Subdivision, Phase IV (Marrano/Marc Equity).  
This item remains under unfinished business until P.I.P. No. 109 (street lighting) is accepted and a retention basin is constructed on the Lancaster Sr. High School property.
4. Public Improvement Permit Authorization - Countryside Subdivision, Phase II (Josela Enterprises)  
This item remains under unfinished business until P.I.P. No. 102 (street lights) is accepted by the Town of Lancaster.
5. Public Improvement Permit Authorization - Heritage Hills Subdivision, Phase I (Marrano/Marc Equity)  
The Town Board is awaiting maintenance security for P.I.P. No. 65 (retention pond) prior to acceptance.
6. Public Improvement Permit Authorization - Heritage Hills Subdivision, Phase II (Marrano/Marc Equity)  
This item remains under unfinished business until P.I.P. No. 108 (street lighting) is accepted by the Town Board.
7. Public Improvement Permit Authorization - Indian Pine Village (Fischione Const., Inc.)  
On August 10, 1987, the Town Clerk was authorized to issue P.I.P. Nos. 122 (street lighting), 123 (sidewalk), 124 (pavement and curbs), 125 (storm sewer), and 126 (water line). On September 8, 1987, the Town Clerk was authorized to issue P.I.P. No. 128 (Detention Basin).
8. Public Improvement Permit Authorization - Lancaster Commerce Center (Gelert Development)  
The Town Board authorized issuance of P.I.P. Nos. 79 (water main) and 80 (retention basin) on June 6, 1983.
9. Public Improvement Permit Authorization - Plumb Estates (Galasso)  
The item remains under unfinished business until P.I.P. No. 127 (detention basin) and P.I.P. No. 114 (street lighting) is accepted by the Town Board.
10. Public Improvement Permit Authorization - Plumb Estates South, Phase I (Galasso)  
The Town Board authorized issuance of P.I.P. Nos. 116 (pavement and curbs), 117 (storm sewer), and 118 (water line) on August 11, 1987.
11. Public Improvement Permit Authorization - Plumb Estates South, Phase II (Galasso)  
The Town Board authorized issuance of P.I.P. Nos. 119 (pavement and curbs), 120 (water line), and 121 (storm sewer) on August 11, 1987.

STATUS REPORT ON UNFINISHED BUSINESS CONT'D:

12. Rezone Petition - Elschlone  
On November 20, 1987, this matter was referred to the Planning Board for review and recommendation. On December 7, 1987, a public hearing was set on this matter for December 21, 1987.
13. Subdivision Approval - Forestream Village (Dilapo - Transit Rd.)  
On September 8, 1987, this matter was referred to the Planning Board Chairman, Chief Fowler, Highway Superintendent, Town Engineer, and Town Planning Consultant for review and report. On December 21, 1987, the Building Inspector was directed to review the streets and maps with the Police Chief, Fire Chief and the Highway Superintendent.
14. Subdivision Approval - Meadowland Subdivision (Bosse - Off Redleln Dr.)  
On November 6, 1986, this matter was referred to the Planning Board Chairman, Chief Fowler, Highway Superintendent, Town Engineer, and Town Planning Consultant for review and report.
15. Subdivision Approval - The Meadows Subdivision (Giallanza - Aurora)  
On July 7, 1986, this matter was referred to the Planning Board Chairman, Chief Fowler, Highway Superintendent, Town Engineer, and Town Planning Consultant for review and report. On September 3, 1986, the Planning Board recommended to the Town Board approval of this proposed subdivision. On September 26, 1986, the Planning Board rescinded their recommendation for approval of the preliminary plot previously adopted on September 3, 1986.
16. Traffic Signal - Intersection, Genesee Street and Ransom Road  
On September 17, 1987 the New York State Department of Transportation informed the Town Board that a traffic signal will be installed at this intersection and the speed limit lowered to 45 M.P.H. in this area.
17. Traffic Study - Speed Reduction, Peppermint Road  
On March 16, 1987, this matter was referred to the Police and Safety Committee and to the Police Chief for investigation and recommendation.
18. Zoning Ordinance and Map Update  
On June 15, 1983, Consultant Richard Brox conveyed a draft to the Town Board and Planning Board. Numerous joint sessions have been held to resolve areas of concern. SEQR review, on the ordinance only, was held on July 18, 1984. The proposed map has not been subjected to SEQR review.

PERSONS ADDRESSING THE TOWN BOARD:

Patricia Lewandowski, 5565 Broadway, asked what temporary or permanent restrictions there were in the Town Ordinance regarding mobile homes.

The Building Inspector explained the ordinance.

Wayne Sanders, 438 Pleasant View Drive, inquired as to the status of the North/South Beltway.

The Supervisor told Mr. Sanders that there was a late communication from the Supervisor to the Town Board (No. 913) regarding this matter.

PERSONS ADDRESSING THE TOWN BOARD CONT'D:

Judi Lewis Sobczak, 6 Nichter Road, questioned Communication No. 860 from the Building Inspector to Richard Church stating compliance with the Town Board resolution adopted February 2, 1987 regarding 195 Cemetery Road.

The Supervisor informed Ms. Sobczak that he could not answer her questions due to the fact that there is a law suit pending.

Michael Passucci, 199 Cemetery Road, told the Town Board that two 4" pipes on Mr. Richard Church's property, located at 195 Cemetery Road, are located in such a way that they drain onto his property and requested that this matter be looked into.

Kevin Repka, representing Fischlone Construction, requested status of Indian Pine Village, Phase II approval.

The Supervisor advised Mr. Repka regarding subdivision approval.

Wayne Sanders, 438 Pleasant View Drive, inquired if something could be done about the lights in the parking lot of Ecology & Environment.

The Building Inspector was directed to check into this matter.

File: BD-STATUS

COMMUNICATIONS:DISPOSITION

857. Twin Dist. V.F.C. to Town Board - Recommendation of two members to active roster.	<u>RESOLUTION FOR MEETING</u> <u>12/7/87</u>
858. Town Clerk to County Div. of Highways - Request investigation into pavement condition of William St. near Transit Rd.	<u>R &amp; F</u>
859. Town Clerk to Town Board - Transmittal of site plan for Donato development at 1799 Como Park Blvd.	<u>BUILDING INSPECTOR</u>
860. Building Inspector to Richard Church - Notice of compliance with Town Board resolution dated 2/2/87 re: 195 Cemetery Rd.	<u>R &amp; F</u>
861. Howard A. Benzel to Town Board - Request reappointment as Industrial Development Consultant for 1988.	<u>ORGANIZATIONAL MEET-</u> <u>ING</u>
862. D.C.O. to Town Board - Request reappointment as D.C.O. for years 1988/89.	<u>ORGANIZATIONAL MEET-</u> <u>ING</u>
863. D.C.O. to Town Board - Request reappointment of assistants for years 1988/89.	<u>ORGANIZATIONAL MEET-</u> <u>ING</u>
864. ECWA to Town Clerk - Notice of hydrant replacement at Penora St., 500 feet north of William.	<u>R &amp; F</u>
865. People Inc. to Supervisor - Notification of intent to establish community residence at 96 Pleasant View Dr.	<u>R &amp; F</u>
866. County Dept. of Sr. Services to Supervisor - Notice of establishment of an E.P.I.C. Office.	<u>R &amp; F</u>
867. NYSDOT to State Mandates Task Force Members - Minutes from meeting held 11/10/87.	<u>R &amp; F</u>
868. Police Memorial Committee to Supervisor - Request donation of \$1,000 to build memorial to honor police officers in Erie County killed in the line of duty.	<u>BUDGET COMMITTEE</u>
869. Secretary of State to Supervisor - Comments re: serving on the State Mandates Task Force.	<u>R &amp; F</u>
870. N.Y.S. Dept. of Labor to Supervisor - Resolution of Dismissal re: Town Hall variances.	<u>R &amp; F</u>
871. Town Clerk to Planning Board Chair. - Transmittal of Fischione Const. Rezone Petition.	<u>PLANNING BOARD</u>
872. Krehbiel Associates to Town Board - Request reappointment as consulting engineers.	<u>ORGANIZATION MEET-</u> <u>ING</u>
873. Krehbiel Associates to Lewin Homes Real Estate - Advice re: property on Lake Ave., north of William St.	<u>BUILDING INSPECTOR</u>
874. Marilla Snowmob Snowmobile Club to Town Board - Request permission to use abandoned railroad tracks from Alden Town line to Lancaster Village line.	<u>PUBLIC SAFETY</u> <u>COMMITTEE</u>

COMMUNICATIONS CONT'D.:DISPOSITION

875. Police Chief to Public Safety Comm. Chair. - Recommendation of Sharon A. Cohan to fill vacant position of Police Clerk.	<u>RESOLUTION 12/7/87</u> _____ _____
876. Police Chief to Town Clerk - Comments re: auto wrecking yards.	<u>TOWN ATTORNEY</u> <u>BUILDING INSPECTOR</u> _____
877. Fischlone Const. Co. to Town Board - Transmittal of plat plan for Indian Pine Village, Phase II.	<u>TOWN ATTORNEY,</u> <u>BUILDING INSPECTOR,</u> <u>TOWN ENGINEER</u> _____
878. County Dept. of Health to Town Board - Transmittal of Approval of Completed Works for Country View East Subdivision, Phase IV.	<u>R &amp; F</u> _____ _____
879. Planning Board to Town Board - Minutes from meeting held 11/18/87.	<u>R &amp; F</u> _____ _____
880. Planning Board to Town Board - Recommend Zoning Ordinance change re: off- street parking spaces in R2 and Commercial Districts.	<u>TOWN ATTORNEY</u> <u>PLANNING COMMITTEE</u> _____ _____
881. Cimato Bros., Inc. to Supervisor - Results of water samples taken at Warnerview Estates.	<u>R &amp; F</u> _____ _____
882. Bowmansville V.F.A. to Supervisor - Request consideration be given to putting house numbers on curbs in front of all Town property.	<u>PUBLIC SAFETY</u> <u>COMMITTEE</u> _____ _____
883. County Dept. of Emergency Services to Supervisor - Recommendation to increase funding for Emergency Management Assistance.	<u>SUPERVISOR</u> _____ _____
884. <u>PIPELINE NEWS</u> - Article entitled "Roads Cleaned".	<u>R &amp; F</u> _____ _____
885. N.Y.S. Retirement System to Supervisor - Questions and answers addressing legislation re: reopening of Sections 384, 384-f and 384-d.	<u>R &amp; F</u> _____ _____
886. NFTA to Supervisor - Comments re: report for runway with acquisition of Westinghouse property.	<u>R &amp; F</u> _____ _____
887. N.Y.S. Assoc. of Traffic Safety Boards to Supervisor - Notice of meeting to be held 12/10/87 at Amherst re: accident data.	<u>R &amp; F</u> _____ _____
888. Krehbiel Associates to Town Board - Recommend Change Order No. 1 for Enterprise Dr. water line.	<u>RESOLUTION 12/7/87</u> _____ _____
889. County Dept. of Emergency Services to Supervisor - Comments re: emergency stockpile equipment situation.	<u>R &amp; F</u> _____ _____
890. County Dept. of Environment and Planning to Supervisor - Reminder re: C-36-390-03 Grant Program.	<u>TOWN ENGINEER</u> _____ _____
891. Community Blue to Supervisor - Notice of rate increase effective 1/1/88.	<u>INSURANCE COMMITTEE</u> _____ _____
892. Health Care Plan to Supervisor - Notice of rate increase effective 1/1/88.	<u>INSURANCE COMMITTEE</u> _____ _____



COMMUNICATIONS CONT'D.:DISPOSITION

893. Sen. D'Amato to Supervisor - Letter from U.S. Dept. of Agriculture re: TEFAP in Buffalo.	<u>R &amp; F</u>
894. <u>INTERCOM</u> - Report of the Second Annual Conference on State/Local Relations and Mandate Task Force update.	<u>R &amp; F</u>
895. Town Clerk to Supervisor - Monthly report for November 1987.	<u>R &amp; F</u>
896. Police Chief to Town Board - Amended memo re: appointment of Sharon Cohan as Police Clerk.	<u>RESOLUTION 12/7/87</u>
897. County Dept. of Finance to Town Attorney - Advise ment re: deed for Transit Blvd. property.	<u>RESOLUTION 12/7/87</u>
898. Town Attorney to John R. Schuler, Inc. - Directive re: final closeout documents for Contract LT-2.	<u>R &amp; F</u>
899. Supervisor to Town Board - Estimate from Town Engineers for replacement of underground fuel storage facility.	<u>RESOLUTION 12/7/87</u>
900. Planning Board to Town Board - Minutes from meeting held 12/2/887.	<u>R &amp; F</u>
901. Planning Board and Town Consultant to Town Board - Recommendation of approval of Fischlone Rezone Petition.	<u>RESOLUTION 12/7/87</u>
902. County Div. of Highways to Police Chief - Comments re: William St.	<u>R &amp; F</u>
903. Donald Gallo, Consulting Engineer to Supervisor - Town pool rehabilitation proposal.	<u>RESOLUTION 12/7/87</u>
904. M & T Bank to Supervisor - Request designation as Official Depository for 1988.	<u>ORGANIZATIONAL MEET- ING</u>
905. Southeast community Work Center to Supervisor - Request funding for 1988.	<u>RESOLUTION 12/7/87</u>
906. Erie County Mgt. Council to U.S. Army Engineer District - Resolution re: floodplains and flooding.	<u>R &amp; F</u>
907. D.C.O. to Town Board - Request transfer of funds for new radio.	<u>REFERRED TO D. BROWN</u>
908. Blue Cross/Blue Shield to Supervisor - Notice of rate change effective 1/1/88.	<u>R &amp; F</u>
909. David Chiarolanza to Supervisor - Request action re: Kornacki property.	<u>TOWN ATTORNEY</u>
910. Congressman Nowak to Supervisor - Comments re: food distribution program.	<u>R &amp; F</u>
911. Community Action Organization to Supervisor - Comments and expression of appreciation re: the food distribution program.	<u>R &amp; F</u>

The Supervisor requested a suspension of the necessary rule for immediate consideration of the following communications -  
SUSPENSION GRANTED.

- |   |  |
|---|--|
| 912. Babinsky, Klein Engineering to Town Attorney -<br>Re: Police/Court Building Project.                           | <u>BUILDING COMMITTEE</u>                          |
| 913. Supervisor to Town Board -<br>Re: North/South Corridor.  | <u>PLANNING BOARD &amp;<br/>PLANNING COMMITTEE</u> |
| 914. J. Bowen, Sanitary Engineer to Northern Regional<br>Supervisor -<br>Re: E.C.S.D. No. 4, Contract No. 6L & 20B. | <u>BUILDING INSPECTOR</u>                          |
| 915. N.Y.S. Office of Parks, Reg. Grants Representative<br>to Supervisor -<br>Re: Natural Heritage Trust Contract.  | <u>SUSPENDED RESOLUTION<br/>12/7/87</u>            |

ON MOTION OF COUNCILMAN CZAPLA, AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 11:35 P.M. out of respect to:

ANTOINETTE M. KOSTEK	FREDERICK HEIN ✓
LEON KRZYWICKI	GENEVIEVE ANSTETT ✓
ROBERT L. MARTIN ✓	ANN T. MARLINSKI ✓
ANNA M. KOLB ✓	SYLVESTER KOLASSA, SR.
STANLEY K. ROGACKI	CHRISTINA SEARLES
MILDRED R. STEPHAN ✓	LEW W. WEEKS

Signed Nancy M. Bindhammer  
Nancy M. Bindhammer, Deputy Town Clerk